

RONNIE TOWNSEND #121142

PLAINTIFF,

VS.

2:06-CV-564-RECEIVED

LT. WILLIE COPELAND, ET AL.
DEFENDANTS.

DEC 11 2006

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

PLAINTIFF RESPONSE TO DEFENDANTS SPECIAL
REPORT

COME NOW THE PLAINTIFF, RONNIE TOWNSEND, BY AND THROU-
-UGH PRO-SE, AND RESPONSE TO THE DEFENDANTS SPECIAL REPORT IN
THE ABOVE-STYLED ACTION AND STATES AS FOLLOWS:

STATEMENT OF FACTS

ON DECEMBER OF 2003, I WAS TRANSFERRED FROM HOLMAN
PRISON TO STATON PRISON UPON MY ARRIVAL TO STATON I
WAS PLACED IN ADULT BASIC EDUCATION PROGRAM. SEE EXHIBIT
A. AFFIDAVIT OF RONNIE TOWNSEND.

I WITNESSED SEVERAL YOUNG INMATES BE PHYSICALLY
ABUSEDLY BY DEFENDANT LT. WILLIE COPELAND. IN
APRIL OF 2004, HE MADE THREATS AT ME I WAS CONCERNED
THAT HE WOULD CARRY THEM OUT SO I CALLED AN ATTORNEY
THAT I KNEW AND TOLD HIM ABOUT THE INCIDENTS AND ASKED
HIM TO CONTACT THE WARDEN OF STATON FACILITY ABOUT
THE INCIDENTS. SEE EXHIBIT B. LETTER TO WARDEN WILIE
THOMAS.

AFTER THAT, LT. WILLIE COPELAND DID NOT LIKE ME BE-
-CAUSE WARDEN THOMAS HAD TOTTEN ONTO HIM ABOUT HIS COND-
-UCT ON THE JOB. AFTER THE WARDEN GOT THEM ONTO HIM
LT. WILLIE COPELAND REMOVED ME OUT OF A.B.E. CLASSES

FOR MY CALLING THE LAWYER I TOLD LT. COPELAND THAT IT WAS WRONG TO REMOVE ME FROM SCHOOL WITHOUT ANY LEGITIMATE JUSTIFICATION AND THAT I REFUSED TO GO ON THE FARM. HE RESPONDED BY TELLING ME THAT WHETHER WRONG OR RIGHT HE COULD DO WHATEVER HE WANTED AT THIS PRISON.

ISSUE

1. PLAINTIFF ALLEGES THAT ON MAY 24, 2004, THE DEFENDANTS CAUSED HIM INJURY BY SUBJECTING TOWNSSEND TO CRUEL AND UNUSUAL PUNISHMENT IN VIOLATION OF THE EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION, MADE APPLICABLE TO THE STATES THROUGH THE FOURTEENTH AMENDMENT.
2. ON MAY 24, 2004, A CALL WAS MADE FOR ALL FARMERS TO REPORT TO THE BACK GATE FOR CHECK OUT. I DID NOT REPORT TO THE BACK GATE. LT. COPELAND AND CAPT. EDWARDS CAME LOOKING FOR ME. (SEE DEFENDANTS SPECIAL REPORT AT PAGE 3, OF THE STATEMENT OF FACTS ON LINE 4).
3. THE DEFENDANTS WALKED UP TO ME AND CALLED ME I WENT WITH THEM TO THE BACK GATE. WHEN WE GOT THERE THEY GRABBED ME, DUGGED ME OUT TO A TRUCK THAT WAS PARKED OUTSIDE OF THE GATE AND THREW ME UP IN THE BED OF TRUCK. I JUMPED UP ON MY FEET AND ASKED THEM WHAT WAS WRONG WITH THEM AND WHY DID THEY TAKE ME OUT OF SCHOOL AND PUT ME ON THE FARM. SEE EXHIBIT C, AFFIDAVIT OF COREY HENIEY AND EXHIBIT D, AFFIDAVIT OF TERRANCE D. MCRARY.
4. THE DEFENDANTS ORDERED SERGEANT JIMMY TALINTON WHO WAS DRIVING THE TRUCK TO LEAVE THROWING PLAINTIFF OUT OF THE TRUCK onto THE GROUND ON HIS HEAD AND HIS RIGHT SHOULDER. LT. COPELAND KICKED PLAINTIFF WHILE HE WAS LYING ON THE GROUND. SEE EXHIBIT A, AFFIDAVIT OF RONNIE TOWNSSEND AND EXHIBIT C, AFFIDAVIT OF COREY HENIEY.

5. AFTER HE FELL, PLAINTIFF WAS KEPT IN THE SALLYPORT FOR APPROXIMATELY 30-40. MINUTES. DESPITE THE NEED HE HAD FOR MEDICAL ATTENTION. "

6. BEFORE, MAY 24, 2004, PLAINTIFF HAD NEVER COMPLAINT ABOUT HIS NECK BACK OF HIS SHOULDER.

7. ON OCTOBER 2, 2006, CHIEF UNITED STATES MAGISTRATE JUDGE, CHARLES S. COODY ISSUE AN ORDER TO THE WARDEN OF DONALDSON CORRECTIONAL FACILITY AND TO THE SUPERVISION OF THE HEALTH CARE UNIT ORDER THEM TO GIVE ME ACCESS TO MY MEDICAL RECORDS.

8. UPON REVIEWING MY MEDICAL RECORDS IT REFLECT THAT ON MARCH 8, 2005, X-RAYS NOTE REFLECT INCREASED LOW BACK PAIN, NECK PAIN MAY BE POSITIONAL OR MAY BE RELATED TO MUSCLE SPASM. THERE IS HYPERTROPHIC SPURRING IMPRESSION. THERE IS EVIDENCE OF HYPERTROPHIC SPURRING, THOMAS J. RAYNE III, M.D. SEE (EXHIBIT E, HANDWRITTEN COPY OF THE MEDICAL RECORDS).

9. LT. COPELAND PUT ME IN A LOCK UP HOLDING CELL IN THE HOSPITAL. I WAS IN PAIN FOR TWO WEEKS AND COULD NOT GET OUT OF BED. EVERYTIME I ASKED A NURSE OR OFFICERS ABOUT SEEING A DOCTOR THEY WOULD TELL ME THAT LT. COPELAND TOLD THEM STRICTLY NOT TO TAKE ME OUT OF MY CELL FOR ANYTHING OR TO SEE ANYBODY. SEE EXHIBIT A. AFFIDAVIT OF RONNIE TOWNSEND.

10. LT. COPELAND WROTE ME A BEHAVIOR DISCIPLINARY FOR VIOLATIONS OF RULE 56 FAILURE TO OBEY A DIRECT ORDER AND RULE 62. INTENTIONALLY CREATING A SECURITY, SAFETY OR HEALTH HAZARD. TO COVER UP WHAT THEY DID TO ME OR JUSTIFY IT. SEE EXHIBIT C. AFFIDAVIT OF COREY HENLEY AND EXHIBIT D. AFFIDAVIT OF TERRANCE D. MCCLARY.

11. PLAINTIFF ALLEGES THAT THE DEFENDANTS BY ORDERING THE TRUCK TO LEAVE WHILE PLAINTIFF WAS STANDING IN THE OF TRUCK WERE DELIBERATELY INDIFFERENT A CLEAR DANGER OF INJURY AND THE PROXIMATE CAUSE OF THE INJURIES TO HIS NECK AND BACK HE SUFFERED IN HIS FALL. SEE EXHIBIT E HANDWRITTEN COPY OF THE NOTES OUT OF HIS MEDICAL RECORD.

12. THERE WAS NO PURPOSE SERVED BY LT. COPELAND KICKING ME AFTER I FALL OUT OF THE TRUCK. THAT ALT WAS CARRIED OUT NOT FOR THE PURPOSE OF MAINTAINING OR RESTORING ORDER, BUT WERE LT. COPELAND INTENTION OF CAUSING ME MORE PAIN AND SUFFERING.

FIRST CAUSE OF ACTION

13. PLAINTIFF ADOPTS AND INCORPORATES THE PRECEDING ALLEGATIONS.

14. THE DEFENDANTS, BY ACTING IN THE MANNER DESCRIBED, VIOLATED PLAINTIFF CONSTITUTIONAL RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT.

WHEREFORE, PLAINTIFF DEMANDS SUCH COMPENSATORY AND PUNITIVE DAMAGES AS A JURY MAY AWARD PLUS HIS COSTS.

SECOND CAUSE OF ACTION

15. PLAINTIFF ADOPTS AND INCORPORATES THE PRECEDING ALLEGATIONS.

16. THE KICKING BY LT. COPELAND CONSTITUTES ASSAULT AND BATTERY UNDER THE LAW OF THE STATE OF ALABAMA.

WHEREFORE, PLAINTIFF DEMANDS SUCH COMPENSATORY AND PUNITIVE DAMAGES AS A JURY MAY AWARD PLUS HIS COSTS.

THIRD CAUSE OF ACTION

17. PLAINTIFF ADOPTS AND INCORPORATES THE PRECEDING ALLEGATIONS.

18. THE DEFENDANT'S ACTIONS WERE UNLAWFUL UNDER THE COMMON LAW OF THE STATE OF ALABAMA.

WHEREFORE, PLAINTIFF DEMANDS SUCH COMPENSATORY AND PUNITIVE DAMAGES AS A JURY MAY AWARD PLUS HIS COSTS.

Rennie Townsend
RONNIE TOWNSEND #121142
100 WARRIOR LANE
BESSEMER, AL 35023-1299

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE, THIS THE 6TH DAY OF DECEMBER, 2006, SERVED A COPY OF THE FOREGOING UPON THE DEFENDANT'S COUNSEL BY PLACING SAME IN THE UNITED STATES MAIL, POSTAGE PREPAID AND PROPERLY ADDRESSED AS FOLLOWS:

BENJAMIN H. ALBRECHT
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11 SOUTH UNION STREET
MONTGOMERY, AL 36130

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